

REMARKS

The Office Action dated July 1, 2004 has been reviewed and carefully considered. Claim 20 has been added. Claims 1-20 are pending, of which the independent claims are 1, 6, 11 and 17-19. Reconsideration of the above-identified application is respectfully requested.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as unpatentable over WO 99/14950 to Zhang et al. ("Zhang") in view of U.S. Patent No. 6,046,773 to Martens et al. ("Martens").

Claim 6 recites, "A method for repairing a defect in an image, comprising the steps of: receiving a user identification of said defect."

Item 1 of the Office Action acknowledges that Zhang fails to disclose or suggest the "user identification of said defect" of the present invention as recited in claim 1, but suggests that Martens does provide such disclosure.

Martens discloses receiving user input interactively, processing the input and producing, based on a result of the processing and by means of a decoder, image frames for viewing (col. 29, lines 28-43). The Martens decoder "may be used for simulations, games or any other application which requires images to be changed according to user input" (col. 29, lines 28-30). Martens neither discloses nor suggests the slightest hint of the concept of image repair or of a user identifying a defect.

The Zhang methodology amounts to conventional image repair processing. Zhang is silent on the subject of interactive processing. There is no hint of any

interactive processing in Zhang or of any user whatsoever, let alone any user identifying a defect.

The Office Action presumably suggests that the Zhang decoder be incorporated into the Martens decoder 2440 of FIG. 24 in Martens. Accordingly, although the purported Zhang/Martens user presumably might enter input for rotating an object (Martens, col. 29, line 49(50)), it is unclear how Zhang/Martens would feature “user identification of said defect.”

Item 1 furnishes several citations to passages in Martens, and touts them as single-handedly providing disclosure of the above-quoted feature of claim 1 of the present invention. None of the passages cited by the Office Action support the proposition being offered by the Office Action. For example, the Office Action cites to lines 30-42 of column 8, which discuss error concealment in the context of the error control and correction module 406 (FIG. 4). Nothing in Martens discloses or suggests any user involvement is the error concealment process.

As to motivation for a Zhang/Martens combination that the Examiner imagines might meet the limitations of claim 1 of the present invention, the explanation of purported motivation in item 1 of the Office Action amounts to an attempt to resolve the proposed combining of the IDLE modeling of Martens and the conventional imaging protocols of Zhang.

In particular, the Office Action does not appear to even attempt to recite valid motivation for the proposed Zhang/Martens combination.

The purported or “wished-for” motivation seems to arise exclusively from impermissible hindsight on the part of an Examiner who has seen some combination of the instant specification, drawings and claims.

For at least all of the above reasons, the proposed combination of prior art references fails to render obvious the present invention as recited in claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 17 and 19 are system and apparatus claims analogous to method claim 1, and include that same above-quoted limitation from claim 1. Accordingly, claims 17 and 19 are deemed to be patentable over the cited references for at least the same reasons set forth above with regard to claim 1.

Claim 1, as amended, recites, “providing, responsive to a user request, said non-image data to an interactive session to repair said image.”

Of the two applied references, only Martens has any hint of a user request, but Martens fails to disclose or suggest applying such a request toward the repair of an image. Incorporating Zhang technology/methodology within the Martens decoder does not give rise to the notion of user interactivity “to repair said image.” To elicit such a notion, based on the two references, would involve the application, once again, of impermissible hindsight.

For at least all of the above reasons, the applied references fail to render obvious the present invention as recited in claim 1.

Claims 11 and 18 are system and apparatus claims analogous to method claim 1, and contain the same above-quoted language of claim 1. Accordingly, both claims 11 and 18 are deemed to be patentable over the cited references.


Claim 20 has been added to emphasize an aspect of what the applicant regards to be the invention, and finds support in the present specification ([0016], [0017]).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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